

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 05-3172

United States of America,

Appellee,

v.

John Edward Mull, also known as John
Eddie Mull, also known as Eddie Mull,
also known as John Edward Maul,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: July 28, 2006
Filed: August 7, 2006

Before SMITH, MAGILL, and BENTON, Circuit Judges.

PER CURIAM.

With a certificate of appealability (COA) issued by the district court,¹ John Edward Mull challenges the denial of his 28 U.S.C. § 2255 motion. We affirm.

We conclude that Mull's sentence is unaffected by *United States v. R.L.C.*, 503 U.S. 291 (1992). The case that could affect his sentence is *United States v. Booker*,

¹The Honorable Warren K. Urbom, United States District Judge for the District of Nebraska.

543 U.S. 220 (2005), but it does not apply retroactively to Mull, whose conviction became final before *Booker* was decided. *See Never Misses A Shot v. United States*, 413 F.3d 781, 783-84 (8th Cir. 2005) (per curiam). We further conclude that a citation error in the district court's order denying Mull's section 2255 motion, which the court corrected when the error was brought to its attention, is not an independent basis for relief. These are the only issues that are within the scope of the COA. *See United States v. Robinson*, 301 F.3d 923, 927 (8th Cir. 2002) (issues beyond scope of COA are not properly before this court).

Accordingly, we affirm the judgment of the district court. We deny the motion to expand the record and the application to enlarge the COA.
